

COME NOW Plaintiffs Joseph Gais and Robin Gais, by and through their undersigned counsel, and for their cause of action against Defendant Carvana, LLC, state as follows:

1. Plaintiffs Joseph Gais and Robin Gais are citizens and residents of the County of St. Louis, State of Missouri.
2. Defendant Carvana, LLC is a limited liability company organized under the laws of the State of Arizona. Carvana, LLC has no member who is a citizen of Missouri. Defendant does business under the fictitious name of Carvana. Defendant is registered as a foreign limited liability company in the State of Missouri.

3. At all times herein mentioned, Defendant maintained continuous, significant and ongoing business activities within the State of Missouri which constituted purposeful minimum contacts with Missouri and which subject it to personal jurisdiction.

4. In particular, Defendant is in the business of buying, selling, financing and delivering to customers used cars throughout the State of Missouri and the United States. As part of its business, Defendant employs full-time and part-time personnel in Missouri, and specifically in the Eastern District of Missouri, including, but not limited to, customer advocate field personnel, lot attendants, drivers, marketers, and other personnel who all work in concert to achieve the business goals of Defendant. Defendant contracts to buy, sell and finance used vehicles in Missouri. Defendant owns and operates lots to store and service vehicles in the Eastern District of Missouri. Defendant sells and delivers vehicles to customers in the Eastern District of Missouri. All of the aforementioned activities constitute purposeful minimum contacts with the State of Missouri so as to satisfy the requirements of general jurisdiction over Defendant.

5. Venue is proper in the Eastern District of Missouri pursuant to Local Rule 3-2.07(B)(3) in that Plaintiffs are residents of the Eastern District of Missouri.

6. On or about December 5, 2017, Defendant owned a 2017 Freightliner Model 114SD, which was being used to transport used vehicles that Defendant had sold to customers.

7. Defendant's vehicle was being operated by Anthony Dick; that Anthony Dick was operating Defendant's vehicle within the scope of his employment with

Defendant, or, in the alternative, within the scope of his agency with Defendant, and under the control or right of control of Defendant.

8. On December 5, 2017, Defendant's vehicle was being operated in a generally south direction on Interstate 65, an open and public thoroughfare within the County of Tippecanoe, Indiana. Plaintiff Joseph Gais was operating a vehicle in a general southbound direction on Interstate 65 and stopped behind traffic due to a backup in traffic conditions.

9. Defendant's vehicle, while traveling through a construction zone, negligently collided with the rear of the vehicle being operated by Plaintiff Joseph Gais, whose vehicle was thereafter pushed into vehicles in front of him. As a result, Joseph Gais sustained injuries as will hereinafter be more fully described.

COUNT I

COMES NOW Plaintiff Joseph Gais, and as and for his cause of action against Defendant Carvana, LLC under Count I, states as follows:

10. Plaintiff Joseph Gais incorporates by reference all paragraphs herein before stated.

11. Defendant's vehicle, being operated by Anthony Dick within the scope and course of his agency for Defendant, was careless and negligent in the following respects:

- (a) Anthony Dick failed to keep a careful lookout ahead and laterally ahead;
- (b) Anthony Dick operated his vehicle at a speed which was excessive, and in particular which was excessive for a construction zone,

thereby violating Indiana State Statute;

- (c) Anthony Dick failed to stop, swerve, slacken his speed, or sound a warning when a collision with the vehicle being operated by Joseph Gais was imminent;
- (d) Anthony Dick operated his vehicle in such a manner as to bring the front of his vehicle into a collision with the rear of the vehicle being operated by Joseph Gais, and Plaintiff hereby invokes the rear-end collision doctrine;
- (e) Anthony Dick operated his vehicle while using an electronic device, which served to distract him and in violation of company policy and state statutes; and
- (f) Anthony Dick became distracted in his vehicle thereby colliding with the vehicle being operated by Joseph Gais.

12. As a direct and proximate result of the aforementioned, Plaintiff Joseph Gais sustained serious, permanent and progressive injuries, in that he sustained injuries to his back, shoulders, head, resulting in concussion, post-traumatic stress disorder, radicular symptoms into his extremities, and other injuries; Plaintiff has been required to undergo medical treatment up to the time of filing this Complaint, and will in the future require additional medical treatment; Plaintiff has lost income as a result of the aforementioned, and will continue to lose income into the future.

WHEREFORE, Plaintiff Joseph Gais prays judgment against Defendant in such sum as is fair and reasonable, for pre-judgment interest, plus any other and further relief which the Court deems just under the circumstances.

COUNT II

COMES NOW Plaintiff Robin Gais, and as and for her cause of action against Defendant Carvana, LLC under Count I, states as follows:

13. At all times herein mentioned Plaintiff Robin Gais was the lawfully wedded wife of Plaintiff Joseph Gais.

14. Plaintiff Robin Gais readopts and realleges all paragraphs herein before stated as though more fully set forth herein.

15. As a result of the injuries to Plaintiff Joseph Gais, Plaintiff Robin Gais has been deprived of the care, companionship, consortium, services, and other damages as a result of the injuries to her husband.

WHEREFORE, Plaintiff Robin Gais prays judgment against Defendant in such sum as is fair and reasonable, for pre-judgment interest, plus any other and further relief which the Court deems just under the circumstances.

JURY DEMAND

Plaintiffs Joseph Gais and Robin Gais hereby demand a trial by jury on all allegations, claims, and causes of action asserted herein.

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